

Blake A. Robertson (#40509167)
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IN THE UNITED STATES BANKRUPTCY COURT
FOR THE DISTRICT OF MONTANA

IN RE: CALIGIURI, REGINA ANGELA, Debtor,	Case No. 16-60795-RBK - 7
REGINA ANGELA CALIGIURI, Plaintiff, vs. AMERICAN EDUCATION SERVICES; AES/NCT; NATIONAL COLLEGIATE TRUST; and CHASE STUDENT LOANS, Defendants.	Adversary Proceeding No. 16-00051-RBK MOTION FOR LEAVE TO FILE SECOND AMENDED COMPLAINT

REGINA ANGELA CALIGIURI, ("Plaintiff") by and through counsel, moves this court for leave to file an Amended Complaint, a copy of which is attached hereto as Exhibit "A". In support here of, Plaintiff states:

1. There is no scheduling order present in this case, the Court had previously ordered that Plaintiff file and serve her Amended Complaint by November 8, 2016, which was extended by motion to November 22, 2016, and which deadline was met.

2. The proposed Second Amended Complaint eliminates legal argument and conclusion overzealously included in the Amended Complaint.
3. The proposed Second Amended Complaint does not present new facts not previously of record in this case.
4. Plaintiff contends that as the Court has not issued a pretrial scheduling order stating a deadline to amend any pleadings, that the standard of Fed. R. Civ. P. 15 as incorporated by Bankruptcy Rule 7015 should apply.
5. Counsel for Plaintiff has contacted counsel for Defendant NCT in this matter and has been advised that NCT does not oppose the relief requested herein.
6. Counsel for Plaintiff has contacted counsel for Defendant AES in this matter and has been advised that AES does not oppose the relief requested herein.
7. Counsel has not attempted to contact Defendant Chase as that Defendant has not answered or objected to the amended complaint.

WHEREFORE the foregoing reasons, Regina Angela Caliguiri respectfully requests this Court for leave to file the attached Exhibit A as her Second Amended Complaint.

DATED this 23rd day of December, 2016.

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2817 2nd Avenue North, Ste. 300
Billings, MT 59101

By: /s/ Blake A. Robertson
Blake A. Robertson, Attorney for Plaintiff

**NOTICE OF OPPORTUNITY TO RESPOND
AND REQUEST A HEARING**

If you object to the application, you must file a written responsive pleading and request a hearing within fourteen (14) days of the date of the notice. The responding party shall schedule the hearing on the application at least twenty-one (21) days after the date of the response and request for hearing and shall include in the caption of the responsive pleading in bold and conspicuous print the date, time and location of the hearing by inserting in the caption the following:

NOTICE OF HEARING

Date: _____
Time: _____
Location: _____

If no response and request for hearing are timely filed, the Court may grant the relief requested as a failure to respond by any entity shall be deemed an admission that the relief requested should be granted.

DATED this 23rd day of December, 2016.

**PATTEN, PETERMAN, BEKKEDAHL
& GREEN, P.L.L.C.**

2817 2nd Avenue North, Ste. 300
Billings, MT 59101

By: /s/Blake A. Robertson
Blake A. Robertson
Attorney for Debtor

CERTIFICATE OF SERVICE

I, the undersigned, do hereby certify, under penalty of perjury, that on the 23rd day of December, 2016, a copy of the foregoing was served electronically by the Court's ECF notice to all persons/entities requesting special notice or otherwise entitled to the same and that in addition service by mailing a true and correct copy, first class mail, postage prepaid, was made to the following persons/entities who are not ECF registered users:

Chase Student Loans
PO Box 7013
Indianapolis, IN 46207

By: /s/Blake A. Robertson
For Patten, Peterman, Bekkedahl & Green